UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,728	01/09/2001	Stefaan Valere Albert Coussement	P4644	7778

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CENTRAL COAST PATENT AGENCY, INC
3 HANGAR WAY SUITE D
WATSONVILLE, CA 95076

EXAMINER
CHOUDHURY, AZIZUL Q

ART UNIT	PAPER NUMBER
2445	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	09/757,728	COUSSEMENT, STEFAAN VALERE ALBERT
Office Action Summary		
	Examiner	Art Unit
	AZIZUL CHOUDHURY	2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 August 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-31 and 33* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6, 8-31 and 33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 January 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Detailed Action

This office action is in response to the correspondence received on August 5, 2008.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8-31 and 33 are rejected under 35 U.S.C. 102(e) as being

anticipated by Lamb et al (US Pat No: 6,747,970), hereafter referred to as Lamb.

1. With regards to claims 1 and 19, Lamb teaches a network including a

   communication center and a plurality of clients using communication devices, a

   system enabling agents of the communication center to best communicate with

   the clients and client devices, including configuring call-back options and

   preferences, the system comprising:

   ▪ customer presence software executing at each client device for monitoring

     client and client device status (*Equivalent to user agent; see column 12,*

     lines 25-27 and column 33, lines 7-42, Lamb); and

- a communication-center presence software executing in the communication center for receiving information from the customer presence software (*Equivalent to telecommunications software and the telecommunications hosting server; see column 11, lines 15-36, Lamb*);

- characterized in that the customer presence software monitors real-time client and client device status at each client device including on-line/offline status of the client (see *column 14, lines 7-37, Lamb*) and client devices and the client's callback preferences including medium preferences and client device preferences (*see column 14, lines 25-37, Lamb*), communicates the status information to the communication center presence software, and the communication center presence software integrates the received status information and provides the integrated result to the agents of the communication center (*see column 14, lines 25-46, Lamb*)

2. With regards to claims 2 and 20, Lamb teaches the system, wherein the network is a data-packet-network (*see column 11, lines 55-59, Lamb*).

3. With regards to claims 3 and 21, Lamb teaches the system, wherein the data-packet-network is the Internet network (*see column 11, lines 55-59, Lamb*).

4. With regards to claims 4 and 22, Lamb teaches the system, wherein the communication center markets products and or service to the clients (*see column 44, lines 7-51, Lamb*).

5. With regards to claim 5, Lamb teaches the system, wherein the agents are human resources employed by the communication center (*see column 44, lines 61-65, Lamb*).

6. With regards to claim 6, Lamb teaches the system, wherein the agents are automated systems implemented in hardware and software at the communications center (*see column 44, lines 61-65, Lamb*).

7. With regards to claim 8, Lamb teaches the system, wherein an alert is propagated to clients (*see column 14, lines 36-37 and Figure 12, Lamb*).

8. With regards to claims 9, 29 and 30, Lamb teaches the system, wherein the alert indicates one or more of status of the communication center, including one or more of the number of calls in queue and the estimated waiting time, and a time for callback, enabling the client to plan or to initiate a call with high probability of success (*see Figure 12, Lamb*).

9. With regards to claim 10, Lamb teaches the system, wherein optional callback or alert mediums include cellular, IP, and wired communications mediums (*Equivalent to instant message; see Figure 12, Lamb*).

10. With regards to claims 11 and 31, Lamb teaches the system, wherein the optional callback or alert devices include cellular telephones, pagers, telephones, computer stations, handheld computers, and laptop computers (*see Figure 3, element 242, Lamb*).

11. With regard to claims 12 and 33, Lamb teaches the system, wherein the client-status information provided to an agent automatically updates periodically (*see column 16, lines 34-35, Lamb*).

12. With regards to claim 13, Lamb teaches the system, wherein the client-status information is continually streamed to the subscribing agent-user during a session with a client (*see column 16, lines 34-35, Lamb*).

13. With regards to claims 14, 26 and 27, Lamb teaches the system, wherein the transfer of client-status information is by instant messaging technology (*see Figure 12, Lamb*).

14. With regards to claim 15, Lamb teaches the system wherein the customer

presence software executing at the client devices for monitoring client and device

status is provided by a host of the communication center, and the

communication-center presence software executing in the communication center

communicates directly with the customer presence software executing at the

client device (*Equivalent to web server being within telecommunications hosting*

server; see column 15, line 64—column 16, line 4, Lamb).

15. With regards to claim 16, Lamb teaches the system wherein one or more

instances of customer presence service software are provided by a third-party

presence service provider, and further comprising a presence service server

operating in the network and communicating with both the instances of the

presence service software and the communication center presence software

executing at the communication center (*Equivalent to web server being a*

separate web server; see column 15, line 64 - column 16, line 4, Lamb).

16. With regards to claim 17, Lamb teaches the system wherein the network is one

or a combination of the Internet network, a wireless cellular telephone network, or

a public service telephone network; *see column 11, lines 55-62, Lamb*).

17. With regards to claim 18, Lamb teaches the system wherein one or more

instances of the customer presence software are provided by the communication

center host, and one or more instances are provided by a third party presence

service provider (*see column 11, lines 55-62, Lamb*), and wherein two or more

client devices executing presence software are associated with a single client,

the communication center presence software providing thereby regularly updated

and integrated presence status over the multiple devices for the single client (*see*

column 12, lines 25-27, Lamb).

18. With regards to claim 23, Lamb teaches the method wherein in step (a), the

presence software executing at a client device is provided by a third-party service

provider, and client status information is communicated through a third party

server to the communication center presence software (*The information can be*

web based provided through a web server (third party); see column 15, line 64 –

column 16, line 4, Lamb).

19. With regards to claim 24, Lamb teaches the method wherein in step (a), the

presence software executing at a client device is provided by the host of the

communication center, and the communication center presence software

communicates directly with the client presence software (*The information can be*

web based provided through a web server (wherein the web server is within the

telecommunications hosting server); see column 15, line 64 – column 16, line 4,

Lamb).

20. With regards to claim 25, Lamb teaches the method wherein in step (b), the

communication center presence software operates in a call-waiting queue of the

communication center (*see column 44, lines 15-16, Lamb*).

21. With regards to claim 28, Lamb teaches the method wherein in step (b), on-

line/off-line status information is communicated in the form of instant messages

containing the information and callback preference information is communicated

through an electronic information page (*see Figure 12, Lamb*).

Response to Arguments

Applicant's arguments filed August 5, 2008 have been fully considered but they

are not persuasive. The following are the examiner's response to the applicant's

arguments.

The first argument addressed by the applicant concerns the claim 1 limitation of

"customer presence software executing within each client". The applicant contends that

Lamb's user agent is not equivalent to the claimed customer presence software, the

examiner disagrees. Lamb teaches user agents (within the clients) (see column 12,

lines 25-27, Lamb) which are deemed equivalent to the claimed customer presence

software executing within each client. Applicant contends that he fail to see where

Lamb teaches a customer presence software executing at each client device for

monitoring client and client device status. However such teachings are indeed present

within Lamb within at least column 14, lines 7-37 and column 33, lines 7-42. Within

those sections, it is clearly explained how the user agent is able to monitor the client

status. For instance, the user agent is able to monitor if the client is busy or not busy,

the calling status, and if there are future planned calls (this is equivalent to the claimed

monitoring client status).

The second argument addressed by the applicant concerns the claim 1 limitation

of "communication-center presence software executing in the communication center for

receiving information from the customer presence software". The applicant again

contends that he fails to see such a claim limitation, the examiner again disagrees.

Lamb teaches telecommunications software (equivalent to the claimed communication-

center presence software) executing on the telecommunications hosting server

(equivalent to the claimed communication center); see column 11, lines 15-36, Lamb.

This telecommunications hosting server communicates with the client's user agent; see

column 14, lines 15-16, Lamb.

The third argument presented by the applicant concerns the claim 1 limitation of

"characterized in that the customer presence software monitors real-time client and

client device status at each client device including on-line/offline status of the client".

The applicant again contends that he fails to see such a claim limitation, the examiner

again disagrees. Lamb teaches at least within column 14, lines 7-37 that the user agent

(customer presence software) monitors the client's line to see if it is busy or not

(equivalent to monitoring in real time the client status of on-line or offline). In addition

Lamb further details other client monitoring means possible by the user agent in at least

column 33, lines 7-42. Within those sections, it is clearly explained how the user agent

is able to monitor the client status. For instance, the user agent is able to monitor if the

client is busy or not busy, the calling status, and if there are future planned calls (this

again is equivalent to monitoring in real time the client status of on-line or offline). In

addition, knowing if a line is busy (as Lamb's user agent is capable of

monitoring/detecting) is monitoring in real-time because the monitored information

corresponds to the client's current status.

The fourth argument presented by the applicant concerns the claim 1 limitation of

"client devices and the client's callback preferences including medium preferences and

client device preferences". The applicant again contends that he fails to see such a

claim limitation, the examiner again disagrees. Lamb teaches at least within column 14,

lines 25-46 that the user agent (customer presence software) knows the status of the

client (because of monitoring the client) and based on the client also knows the callback

preferences. For instance the callback preference can be another non-busy line

(equivalent to the claimed medium preferences) and a voicemail system (equivalent to

the claimed device preference).

The fifth argument presented by the applicant concerns the claim 1 limitation of

"the communication center presence software integrates the received status information

and provides the integrated result to the agents of the communication center". The

applicant again contends that he fails to see such a claim limitation, the examiner again

disagrees. Lamb teaches at least within column 14, lines 25-46 how callback

preferences such as a non-busy line (equivalent to the claimed medium preferences)

and a voicemail system (equivalent to the claimed device preference) are provided to

the telecommunications hosting server (with telecommunications software (equivalent to

the claimed communication-center presence software); see column 11, lines 15-36,

Lamb.) and the telecommunications hosting server (with telecommunications software)

informs other user agent (customer presence software).

The final argument presented by the applicant concerns the alleged claim

limitation of live agents residents within the server. The examiner disagrees with the

applicant's contention that Lamb fails to teach such a limitation for at least the fact that

no such teaching is claimed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to AZIZUL CHOUDHURY whose telephone number is
(571)272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number
for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
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USPTO Customer Service Representative or access to the automated information
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. C./
Examiner, Art Unit 2445

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2445